

HOUSE BILL REPORT

HB 1522

As Reported By House Committee On:
Law & Justice

Title: An act relating to adoption.

Brief Description: Changing adoption provisions.

Sponsors: Representatives Padden, Cooke, Goldsmith, Hickel, Lambert, Boldt, Sherstad, Thompson, Johnson, Fuhrman, Mulliken, McMahan, Koster, Hargrove, Pelesky, Sheahan, Backlund, McMorris, Huff, Talcott, Carrell, Casada, Honeyford, Clements, B. Thomas, Crouse, Campbell and D. Schmidt.

Brief History:

Committee Activity:

Law & Justice: 2/8/95, 2/15/95 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

Background: The adoption code does not specifically provide that adoption shall not be denied based on the race of the prospective adoptive parents or the child. In October, the federal Multiethnic Placement Act of 1994 sponsored by Senator Metzenbaum was enacted. Under the act agencies or entities that receive federal assistance may not categorically deny or delay an adoption solely on the basis of the race, color, or national origin of the prospective adoptive parents or the child involved. An agency or entity may consider the ethnic, cultural, or racial background of the child and the capacity of the prospective adoptive parents to meet the needs of a child of this background as one of a number of factors used to determine the best interests of a child.

The federal Indian Child Welfare Act imposes additional restrictions on adoptions of Native American children.

Summary of Substitute Bill: An adoption must not be delayed or denied because of the adoptive parent's or child's race, color, or national origin. When considering various placement options, the Department of Social and Health Services or an agency may consider the cultural, ethnic, or racial background of the child, and the capacity of the prospective adoptive parents to meet the needs of the child of a particular background.

This provision does not affect adoptions of Native American children as provided under federal law.

Substitute Bill Compared to Original Bill: Section 1 is stricken entirely. Section 1 increased the time period in which a birth parent could revoke consent to relinquishment and adoption. Section 3 is stricken entirely. Section 3 created a putative father registry. Section 2 is amended to comport with federal law which allows agencies to consider the ethnic, cultural, or racial background of a child when considering various placements.

Appropriation: None.

Fiscal Note: Requested February 6, 1995.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Section 2 of the bill appears to correspond to the Metzenbaum amendment under federal law but fails to provide that the cultural, ethnic, and racial background of the child may be taken into consideration. Section 2 will not have any impact on private placement adoptions.

Testimony Against: Sections 1 and 3 of the bill have substantial technical problems and create policy concerns. Changing the time period in which a birth parent may revoke consent needs to be thoroughly examined. The provision in the bill is derived from the Uniform Adoption Act of 1994, which is a compromise measure that is not as good as Washington's current law.

Testified: James Mason, citizen (con); Mark Demaray, Washington State Adoption Council (con); and Lois Chowen, Department of Social and Health Services.